

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

FERNANDO E. LUGO,) 3:17-cv-00539-MMD-WGC
Plaintiff,) **ORDER**
vs.)
TRAVIS MOORE,)
Defendant.)

On September 6, 2017, Plaintiff, who is a prisoner in custody of the Nevada Department of Corrections (NDOC), filed his complaint against Travis Moore (ECF No. 1-1), along with a motion for appointment of counsel (ECF No. 1-2). The complaint was not accompanied by the filing fee or an application to proceed in forma pauperis (IFP).

The Local Rules of Practice for the District of Nevada provide: "Any person who is unable to prepay the fees in a civil case may apply to the court for authority to proceed [IFP]. The application must be made on the form provided by the court and must include a financial affidavit disclosing the applicant's income, assets, expenses, and liabilities." LSR 1-1. When a prisoner seeks to proceed without prepaying the filing fee:

[I]n addition to filing the affidavit filed [as described above], [the prisoner] shall submit a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint or notice of appeal, obtained from the appropriate official of each prison at which the prisoner is or was confined.

28 U.S.C. § 1915(a)(2). Notwithstanding the foregoing:

28 (1) ... [I]f a prisoner brings a civil action...[IFP], the prisoner shall be required to pay the full amount of a filing fee. The court shall assess and, when funds exist, collect, as a partial payment of any court fees required by law, an initial partial filing fee of 20

1 percent of the greater of --

2 (A) the average monthly deposits to the prisoner's account; or

3 (B) the average monthly balance in the prisoner's account for the 6-month period
immediately preceding the filing of the complaint of notice of appeal.

4 (2) After payment of the initial partial filing fee, the prisoner shall be required to make
monthly payments of 20 percent of the preceding month's income credited to the
prisoner's account. The agency having custody of the prisoner shall forward payments
from the prisoner's account to the clerk of the court each time the amount in the account
exceeds \$10 until the filing fees are paid.

5 28 U.S.C. § 1915(b)(1), (2).

6
7 The Clerk shall **SEND** Plaintiff a copy of the instructions and application to proceed IFP by an
8 inmate.

9 Plaintiff has **THIRTY (30) DAYS** from the date of this Order to either pay the complete filing
10 fee or submit a completed application to proceed IFP, or dismissal of this action will be recommended.

11 **IT IS SO ORDERED.**

12 DATED: September 7, 2017.

13
14 *William G. Cobb*

15 WILLIAM G. COBB
16 UNITED STATES MAGISTRATE JUDGE